

REFLECTIONS
UPON THE
MEMORIAL
FROM HIS
Most Christian Majesty,

Presented by

The Count *de Briord*, His Ambassador
Extraordinary to the States-General of
the United Provinces at the *Hague*,
December 4. 1700.

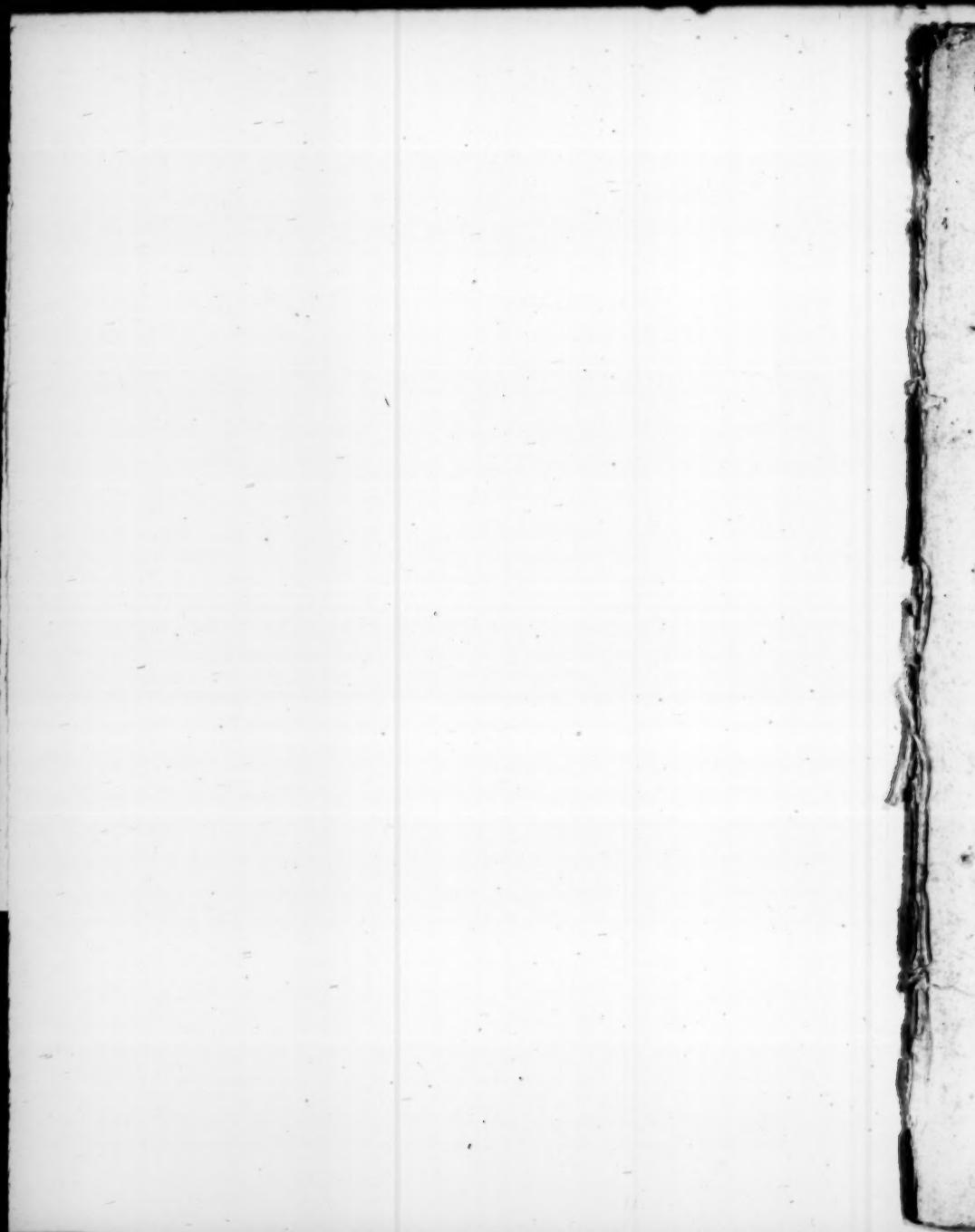
Containing His

Reasons for Accepting the late King of Spain's
Will, in Favour of the Duke of *Anjou*.

In a LETTER from a Friend, to Mr. J. C. Merchant
in LONDON.

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REFLECTIONS
UPON THE
MEMORIAE

Deliv'red to the

States General,
By the Count de Briord, the French
King's Ambassador, &c.

REFLECTIONS
UPON THE
MEMORIAL

FROM HIS

Most Christian Majesty

Presented by

The Court of King's Bench. The Appeal
Expediency to the State-Council of
the Ministry Powers in the Hand
December + 1700.

Concerning His

Regulations for Accepting the late King of Spain
and in favour of the Duke of Albur

LAST LETTER from the Duke of York & O. Maccioni
in London

London: Printed in the Year 1700.

(5)

REFLECTIONS upon the Memorial deliver'd into the States General, by the Count de Briord, the French King's Ambas- sador, &c.

SIR,

I Have too often, in my own mind, censur'd others for Complementing themselves (for as such I took it) in Essay's of this kind, when they pretended their uniformity for the undertaking, and that they purely did it at the Request of their Friends, to be guilty of the same Preamble. But, if I mistook their designs, and they only were, that they might be able to Charge the Defects of their Performances somewhere beyond themselves, if they shou'd see occasion, when they had expos'd their Capacities at the request of their Friends. I have the most reason of any to Preface so to you, especially considering that I am about to Reflect upon the French King's Memorial to the States General, Containing his Reasons for accepting the Late King of Spain's Will in Favour of the Duke d' Anjou. It is not to be doubted, but in a Case of this Importance, he has taken care it should not be Jejunely done; and therefore employ'd the best Heads he had in this Affair, and if I mistake not, some who I think Judicious, nor they fail in their Opinions, it is shrewdly worded; But Truth and Justice are Weapons not easily Parry'd; yet easily us'd by the Hand of the Unskilfull, which is the only consideration that emboldens my attemp.

The design of this Memorial, I take to be, to sooth the Commonalty wherever it comes, and is full of evading Intonations of the French King's Inclinations to the Peace

of the Publick. I doubt not but all the Princes and States of Europe will very Candidly thank him for it, (as well as the States General) when they can be persuaded he is endeavouring it, and really sollicitous about it, tho' he should not go so far as to prefer it to the advantage of his own Crown. But I think the only way to know, whether that is to be believ'd, or expected, is to look back upon that Monarch's Practices in all preceeding junctnres of Affairs of this (or such like) nature; and then we shall see, which he would sooner Sacrifice his Honour or his Interest, and when they drew two ways, which has always been the most prevalent; and upon this consideration, I cannot think the States General should so much as seem to be surpriz'd at the French King's accepting the Will of the late King of Spain, since he thinks it most for his Interest so to do.

26 It is something odd, that His most Christian Majesty should in the First Page of his Memorial so Ironically Treat and Biflesque the States-General as he does: He tells them, If they take time to examine with their usual Prudence, the infinite Troubles, which the Treaty of Partition would produce, That same Prudence will oblige them to desist from the Demand, &c. What is this, but to accuse them of a Precipitancy in the Treaty of Partition; and a want of Prudence, in not well weighing before hand the Conveniences and Inconveniences of it; and yet himself sheer clear enough of that Charge: For by the Treaty of Partition, he added another Method to his Choice of disposing of the Spanish Monarchy; and he knew the King of England, and the States-General, both in Honour and Conscience, thought themselves bound by, and would not recede from the Obligations laid upon themselves by a Ratified Treaty, tho' he kept himself above all bonds but those of his own advantage. It is certainly a great Contradiction to abandon the design of a Treaty, for the sake of adhering to the Terms of it; and I would be very willing (if I could) at this conjuncture to distinguish betwixt them; but I cannot see that the Design, and the Terms were any more United

nited when the King of Spain liv'd, then they are now
 For the Design of that Treaty was not to take place in its
 effect till after the King of Spain's Death; therefore that
 could make no difference betwixt them. On the otherhand,
 how far it is in the Power of a King of Spain by his Will,
 to dispose of his Kingdom, and the Succession of it; and
 cut off the Right of the next Heir, is not my Province to
 Determine; but I think, if we look into the 10th page
 of the French King's Memorial, we shall find he lays no
 stress upon it for the Duke d' Anjou's Right, for when he
 is pretending, There's a necessity, in order to preserve the
 Peace, to make use of Methods different from those that were
 propos'd at Signing the Treaty of Partition. He tells the
 States in the next Paragraph; The most natural, that
 which is most agreeable for maintaining the General Peace;
 and the only just Method, consists in the Resolution, taken by
 the King to Accept the Will of the late Catolick King: So
 that it plainly appears, that the Force of the Will lies
 only in his Resolution to Accept of it; and therefore we
 have very good reason to suppose, the Will of the King
 of Spain should have been (with him) no Will, if it had
 cross'd his inclinations, in settling the Crown upon the
 Arch-Duke; and there is no doubt but then he would
 have deliver'd his Protest against it, strenuously insisted
 upon the Treaty of Partition, and Challeng'd, upon their
 Guaranty, the Assistance of the King of England, and the
 States-General, to have forc'd the performance of it.
 Then on the other hand if the French King insists upon the
 Duke d' Anjou's Natural Right, the King of Spain's Will can
 not (any more than his Death) make any difference betwixt
 the Design and the Terms of the Treaty, unless the French
 King means his own Private Design, which now, it plain-
 ly appears, must be absolutely destroy'd, if the Terms
 stand.

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He goes on then, and tells them, the former (that is the design of the Treaty) maintains a General Peace, the latter (that is the Terms of it) causes an Universal War; and therefore the Decision, what Measures to take, should be made by the Explanation of the First Article of the Treaty, viz. To maintain the General Peace of Europe. I am very much afraid he'll prove a false Prophet, and if he does, may the fate of a false Prophet pursue him. I cannot think the Guarantees of the Treaty of Partition will sit still, and see the Treaty broke, was it only upon Punctilio of Honour; and I think 'twill plainly appear to be too much their Interest to affit the Emperor, to expect they should be Neutral: For should the French King, (which joyn'd with Spain, &c.) I don't see is so difficult to be done, to be too hard for the Emperor, and so Command his Arms, or indeed otherwise engage them; they will make too Formidable an Enemy, to be thought not worth minding; and the balance not so much kept as *Equilibria* as might be wish'd. And therefore the French King must greatly reflect upon the Conduct, and foresight of those concerned in the Treaty, in endeavouring to impose that belief upon the publick, That by accepting the King of Spain's Will, Maintains a General Peace. Then on the other hand had the French King kept to the performance of the Treaty of Partition, I cant for my part see who could, or dur'd, attempt the disturbance of the Peace of Europe upon that account; and therefore I shall consider the difficulties he mentions as the Grounds of his specious pretences.

But first I think it may not be amiss, to obviate the Objection made against the Validity of the Treaty, and the French King's being any ways bound by it: Because, says he, the Emperor had not Accepted of the Partition before the Death of the King of Spain; 'tis therefore void, and ceases to be Obligatory, the three Months being past
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which

which was allowed him for Acceptance. This is the scope of the Objection, which will be easily Answered, if we consider, that by the secret Article of the Treaty the Emperor was to have two Months more granted him to consider of it, which were not determin'd; but suppose they were, the 7th. Article of the Treaty has made Provision for the Emperor's refusal. It runs thus, *Immediately after the Exchange of this present Treaty, it shall be Communicated to the Emperor, who shall be invited to enter thereto; but if, after three Month's time, from the Day of the said Communication, and the said Invitation, or the day that his Catholick Majestie shall die, if it happen before the Expiration of the said three Month's, his Imperial Majestie, and the King of the Romans, should refuse to enter thereto, and to agree to the State assigned to the most Serene Arch-Duke Charles; The two Kings (of France, and England) or their Successors, and the States General, shall agree upon a Prince to whom that part shall be given: And in case, notwithstanding the present Convention the most Serene Arch-Duke shall take possession either of the part which might fall to him, before he has Accepted the present Treaty, or of that part which might be assign'd to Mons. Dauphin, or to him who shall have the Duchy of Millan in Exchange; as above-mentioned, the said two Kings, and the States General, by Virtue of this Convention, shall hinder him with all their forces.* Now, I doubt not, but the French King would take very haniously, any Reflection upon his Care, or Conduct, in this Affair, in having agreed to he knew not what, (which, if he did, was his own fault) but then he ought to forbear that Plea for his Breach of the Treaty, for it necessary byes a severer Charge, and proves, that his Agreeing to the Treaty was purely a design to provoke the King of Spain, (or some, of the Grandees for him) to give the Kingdom by Will, (as far as that Gift will go) to a Prince of France, least it should be divided; and so the Treaty was broken in

his Intention) before it was made. How well this agrees with what he says in the 11th. page of the Memorial : *The high Dignities of Kings does not excuse them from considering whether the Wars they undertake be just. Then what Reasons could his Majesty (who is known to be a just Prince) offer for resuming Arms to divide a Monarchy, which is settled intirely upon the lawful Heir.* And just before in the 10th. page : *If any Prince have a Right to oppose the Dispositions of that Will, there needs no more but to read them, to be convinc'd that this Right belongs only to the Dauphin.* By the way, how the reading the Dispositions of the Will should convince of a Right to oppose them, is, at present, to me a Paradox : But put the Case the Right is in the Dauphin, was it not so when the Treaty of Partition was ratified, and was not the Dauphin a Party thereunto ? (See the 4th Article of the Treaty,) and could not the French King then, as well as now, have obtain'd more considerable Advantages by his Arms, if he had design'd to make use of them (as now he does) than the Kingdoms of Naples and Sicily, the Province of Guipuscoa, and the Dutchy of Lorrain, &c. which he says, he had no design to acquire by a Treaty : What then could he design by the Treaty, but to give the World one Instance more (of which we have had singular, in the Breach of the Pyrenean, and other Treaties) of his Infidelity (unless the Partition should prove for his Advantage) and laugh in his sleeve at those that gave any Credit to his Promises, and stumbled at his Painted Trap Door.

I come now to consider what he has Offer'd, for the Certainty of an universal War if he had stood by the Treaty of Partition. First, the Milaneze, the Kingdoms of Naples and Sicily, the Provinces, the Places comprehended in the Partition, all of them put themselves in a Condition, (he should have said Posture, tho' that is not true) to maintain their Union with the Body of the Spanish Monarchy, and a little lower. Thus the Arch-Duke becoming King of Spain,

Spain, &c. There must be a necessity in order to execute the Treaty, to Conquer the Kingdoms reserv'd for the share of the Dauphin, &c. These are very great Reasons, should it prove true, that the Places reserv'd for the share of the Dauphin were really in a Condition to maintain their Union with the Spanish Monarchy, against the united Power of the *Guarantees*. How comes the French King all of a sudden to be so modest (tho' I believe we shall find him otherwise by and by) or doubtful of his own strength, (that use to Hector all Europe,) to suppose that France, England and Holland in Union, should speak twice for the performance of the Treaty when there are none to withstand it, but what might have been blown away by the Breath of their Guns; and they would have had more Wit, than to have flung against Six high, when they might part Stakes; and the King of Spain (I mean supposing the Arch Duke to have been so) would never have been reduc'd to those great Extremities the Memorial speaks of, before he would part with the Share of the Dauphin, since he must know 'twas impossible for him to withstand the Arms of this *Triple League*, tho' back'd with the Emperor's Assistance; and Savoy durst not (tho' if he did, to no great purpose) turn his Arms against France, &c. on that Occasion; neither would it be so much worth, for him to hazard his own ruin by being on the weaker side, considering the Contingencies of his Title, which must not Commence, till after the extinction of the Heirs of the Princes of France, and the Arch-Duke.

There are several things more might be consider'd, as the grand Reflection upon the *States General* in the 5th page, where he sells them, That, *in truth, he is persuaded, that they never had any design to obtain the effect of their last Memorial*, and so goes on to banter 'em, and makes them worse than Trifles. Then again, *That they should, in that their Memorial, have nam'd the Princes that were ready to joyn in it*

it, (the effecting the Partition) The Troops for being the
 Guarantees of the Articles of it : They should have mention'd those the Republick of Holland was to furnish by Sea or
 Land. Truly I can't see what occasion there was for the
 States-General just in that Memorial (which was, as I
 take it, only to put him in mind of the Treaty, when
 they found he was going to break it) to Name the Prin-
 ces ready to joyn, (which he knew as well as they)
 since the 10th 11th and 13th Articles of the Treaty
 were to plain ; and that all engag'd in that Treaty, (to
 him not unknown) were oblig'd to be ready, so to do ;
 neither could he expect, that they should by that Me-
 morial mention the Number they were to furnish, be-
 cause by the 14th Article, all the Guarantees were to agree
 what proportion each should Contribute ; so that it would
 have been very preposterous for them, then to have af-
 firm'd their Number, without any such agreement. He
 has one very pretty Turn I cannot pass : After he had
 suppos'd upoh his rejecting the Will, the Arch-Duke had
 enter'd upon the Regency : he says in his 13th page,
*He must have been oblig'd to attack a Living Prince, Pro-
 fessor of the Crown of Spain, and its certain that the Measures he
 had taken with the Allies, related only to the Division of the
 Succession of a Prince, whose Death appear'd to be very near.*
 Certainly the French King must think he writes to very
 weak Heads, or he could never suppose thus to sham 'em,
 Would not the Arch-Duke then have come in as Successor
 to that King, whose Succession the Division related to ; and
 did not he stand oblig'd to the Division of that Succession
 according to the Treaty ? Ay, but the Emperor was all
 along endeavouring to promote the Arch-Duke, and therefore
 refus'd, or at least delay'd Signing the Treaty. That the
 French King knew, at the making of it ; and that can be
 no Plea for abandoning his Sacred Word, as that of a King
 ought to be, when it is made out in such a way.

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In the next Paragraph he does the *Guarantees* the Justice to declare, that their design was *Peace*. That they stipulated no particular Advantage to themselves, &c. But acted the part of disinterested *Mediators*, betwixt the King and the Emperor, &c. But this is brought as an Argument, That they having receiv'd no prejudice, should not intermeddle. Surely there's the most Honour, in standing to a Treaty where there is the least Interest to sway; and in all likelihood will be the most Justice too; but where does all this end? Why, in the Old Story, with a little addition: The Emperor had not Sign'd the Treaty, and therefore, There was no Treaty, except with the *Mediators*; this needs no farther Answer, than to refer you again to the 7th Article of the Treaty, and what has been said before.

At length, Sir, we are got to consider of the *Renunciation*, by reason of the following Expressions in the 12th page of the Memorial. The Disputes raised, as to the Validity of the *Renunciation* of the late Queen, serv'd for a Motive to this Accommodation. In effect, it had been of no use, if the Nullity of that *Renunciation* had been acknowledg'd as fully during the late *Catholick King's* Life, as it is declared in his Will. Before I say any thing of it, I shall recite the Title of the *French King*, as I found it in the Introduction of a Relation of the *French King's* Expedition into the *Spanish Netherlands*, in the Years, 1667 and 1668, page the 3d. of the Introduction. "In the Year 1659 a "Treaty of Peace was concluded between the two Crowns, " (of *France* and *Spain*,) and together with a Marriage "between Lewis the XIV. now King of *France*, and the "Lady *Maria Theresa*, (Eldost Daughter to Philip the IV. King of *Spain*, and Sister to *Henry the III.*) King of *France*, "For "whose Portion the King her Father, obliged himself to "pay 500000 Crowns of *Gold*, and pretended *Salick Law* debars

“ debars Females, from Succession to the French Crown;
 “ as also to the end, that the two Crowns, being too
 “ Great and Puissant to be United into one Kingdom, all
 “ occasions of such a Conjunction might be avoided: It
 “ was Covenanted, (among other things) That neither
 “ the Infanta, nor her Children and Descendents, in what de-
 “ gree soever, should ever succeed in the Kingdoms, Seig-
 “ nories or Dominions, which do or shall belong to his
 “ Catholick Majesty, as well within, as without the
 “ Kingdom of Spain, notwithstanding any Law or Cu-
 “ stom, which by this agreement (which is to continue in
 “ the full Force and Vigour of a Law for ever) Their
 “ Majesties did abolish. This Renunciation the Infanta
 “ Confirm'd in these very Terms by an Oath, in the pre-
 “ sence of the Kings themselves, the Princes of the Blood,
 “ and the Chief Nobility of both Kingdoms.

“ So that you see both Kings were engag'd in it, as well
 as the Infanta; (whose Oath I have not by me or else
 would insert it) but I think it will not be amiss to Trans-
 eribe the very words of the Renunciation it self, by which
 it will be more evinc'd.

*Placuit utriusque Regi pactio in instar legis semper valitudo
 sancire, ne unquam seruissima Infans Teresa, aut posteri ejus
 ulli, ad seruos usque Nepotes, quounque gradu sint, admittantur
 ad successionem ullam, sive Regnum, sive Principatum,
 Provinciarum, Ditionum, Dominiorum quorumcunque Regis
 Catholici, non obstante lege illa, consuetudine, aut alio Jure
 in contrarium, cui utriusque Regis auctoritate plenissime de-
 rogatur, contemplatione dictae aequalitatis, & publicae utilita-
 tis quae inde emanatur asperatur. It was so Consented by both
 their Majesties, and by them confirm'd, that neither the most
 Serene Infanta Teresa, nor any of her Issue or Posterity, in
 what degree soever, be admitted to succeed in any of the King-
 doms, Dukedoms, Provinces, or Dominions of his Catholick
 Majesty, any other Custom, Constitution, or Law to the contra-
 ry*

ny notwithstanding: So that if any such Custom or Constitution were, it was by authority of both Kings absolutely annul'd and destroyed. And this only to adjust the Dominion of both Crowns, so as each of them might receive an equal benefit by it.

By this Sir to me it plainly appears that the King of Spain's Will cannot make void a Renunciation so strongly confirm'd. We find, as the Heirs receive a Right from the Parent, it is in the Power of the Parent to restrain it; but I won't pretend to be so much a *Cruelian*, to argue, much less to determine, this Point. I will only observe, the French King but renounc'd the ever having a future Right, not a Right that he ever had; tho' I doubt not but his Civilians, knowing his Mind, have given him their Absolution (which is not much to be wonder'd at, since, in a more curious Frame of Government than his Judges have been found, that would make the Will of their Prince Law) and should a *Quæstum* happen to overshadow his Conscience, the *Sorbon* too, must direct their Decision, by the *Regal Nod*; and there I'll leave him, till the first have got more Courage, than to submit the Law to his Will; and the latter more *The Fear of God*, than to substitute the Sacred Oracles (which they pretend to unfold) to his unbounded Ambition. And I'll only say he that won't be ty'd by an Oath, will no more be secur'd by any other Bond, than *Leviathan*, when you bob for him with a single Hair.

To conclude, Sir, in the last Page his Majesty is mightily transported with the good Opinion he has of himself, and with what he would presuade the World, the States General have, or ought to have, of him. When he had in the preceding Paragraph suggested, that the delay of the two Months for the Emperor's consideration, propos'd by their Memorial, might settle the Arch-Duke in the Throne, he tells them, that " He is willing to believe " that this was not their Design; they know too well " that it's their Interest to merit by their Good Conduct

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the Honour of his Affection and the Continuation of his Good Will. And again he doubts not but they will change their Complaints into Thanks, and Congratulate the King of Spain, as soon as possible, upon his Accession to the Crown, and that they will endeavour to merit of the King the Good Will and Protection that they and their Ancestors have receiv'd of his Majesty and his Predecessors.

This should have been his Language at the Treaty of Ruyick, and then he'd soon have had an Answer; and whosoever considers how high he begun, and how low he ended; and the Haughty Spirit of that Prince, can never suppose he'd have parted with so many important Places, as he then did, had he been in such a Protecting Capacity as he writes himself; or the Merit of the Honour of his affection; and the continuation of his Good Will been so highly worth aspiring to.

Neither are the Dutch in so poor, and forlorn a Condition now to want his Aid, and Protection; and were they otherwise willing to condescend, to be of his Party, this is enough to rouse their Indignation, and incline them to shew him they stand not in need of his Favour.

Indeed, when I think of the French King, he brings *Belshazzar* to my mind; He is Glorying in his Achievements, His Heart (for ought I know) is Merry, He is prideing himself in the Sacrilegious Spoils of the Protestants, and TEKEL is his Charge. He lives as if there was none above him, The Spirit of Persecution is reigning in him; and the Cryes of the Oppressed loud against him. I have nothing more to do at present, but to crave leave to subscribe my Self,

Sir,
Your real Friend,
and humble Servant, and
Dublin Oct 10 1712. W. T.

FINIS.

